

State of Rhode Island and Providence Plantations.

FIFTEENTH ANNUAL REPORT

OF THE

BOARD OF COMMISSIONERS

ON

UNIFORMITY OF LEGISLATION

MADE TO THE

GENERAL ASSEMBLY

AT ITS

JANUARY SESSION, 1911.

PROVIDENCE, R. I.

E. L. FREEMAN COMPANY, STATE PRINTERS.

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REPORT.

To the Honorable, the General Assembly:

The undersigned, the Board of Commissioners on Uniformity of Legislation, appointed under authority of Chapter 352 of the Public Laws, present this, their fifteenth annual report.

The twenty-first National Conference of the State Boards of Commissioners on Uniform State Laws, was held in Chattanooga, Tennessee, August 25, 26, 27 and 29, 1911, and was attended by the three Commissioners from this State.

The first of these Conferences was held at Saratoga Springs, New York, beginning August 24, 1892, lasting three days, and since then they have been held annually.

This National Conference of Commissioners on Uniform State Laws is made up of Commissioners appointed by the Governors of the various states, meeting in Conference and organizing themselves into a national body for the better accomplishment of the work for which its members were appointed. The Commissioners, usually three from each state, being generally thus appointed by the Governor under laws of the respective states creating these commissions, are, when thus assembled in Conference, the official representatives of the states, and each state has one vote, upon the roll call of the States. The laws under which these commissioners are appointed, authorize them thus to confer with commissioners similarly appointed in other States, and to frame and recommend bills or measures to bring about uniformity in legislation as to subjects where uniformity is practicable and desirable, but which are not within the jurisdiction of the Congress of the United States.

Five Uniform Acts on subjects of Commercial Law have been prepared by these Conferences. Each one, drafted by experts for the

Conference, has been carefully considered by the Committee on Commercial Law, and by the Conference itself in Committee of the Whole, after being printed in tentative form and sent out for public and private criticism. Many meetings of the Committee on Commercial Law have been held, in different cities in several states, with due notice to all interests concerned, at which representatives of these interests have appeared and have offered suggestions, many of which have been adopted and incorporated in the act. Each of these Uniform Acts has therefore had the most careful scrutiny and it is believed that they represent the actual law on the different subjects they cover, and that where the law of the various states differs, the weight of opinion is expressed in these acts.

The Uniform Negotiable Instruments Act (approved by the Conference in 1896), has been adopted in thirty-eight States, territories and the District of Columbia, as follows: Alabama, Arizona, Colorado, Connecticut, District of Columbia, Florida, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

The Uniform Warehouse Receipts Act (approved by the Conference in 1906) has been adopted in eighteen States and territories, as follows: California, Connecticut, Iowa, Illinois, Kansas, Louisiana, Michigan, Massachusetts, Nebraska, New Jersey, New York, New Mexico, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia and Wisconsin.

The Uniform Sales Act (approved by the Conference in 1906) has been adopted in six States, as follows: Arizona, Connecticut, Massachusetts, New Jersey, Ohio and Rhode Island.

The Uniform Stock Transfer Act was approved by the Conference in August 1909, since when but few legislatures have met. This

winter many biennial sessions will be held, and it is anticipated that it will be adopted in several States and territories.

The Uniform Bills of Lading Act was approved by the Conference in August, 1909, after the most careful consideration and criticism by the large interests affected. It is believed that it represents the ripe thought, both of the legal profession and of shippers, receivers, banks and carriers, and will meet with approval when adopted by the State legislatures.

These uniform acts have been prepared in response to the pressing need of the business world, to remove, as far as possible, the uncertainty and vexation arising from the widely different laws of the States and territories on matters of daily importance. The Conference of Commissioners has been careful to avoid taking up any subject that is not so far settled and of such universal application as to make it a proper subject for embodiment in a statute. The Commissioners have followed largely precedent and principle, and they have been guided by the experience of Great Britain and her colonies in their selection of subjects. The adoption of these Uniform Commercial Laws and their interpretation by the courts of last resort in accordance with the spirit of prevailing mercantile usage and further, in accordance with the decisions in other State courts of last resort under the same sections of the same law, even if they overrule prior decisions in their own State, will remove one of the greatest drawbacks to the satisfactory working of our dual political system in its application to business matters, and cannot fail to strengthen that system itself.

The time of the Conference meeting in Chattanooga in August last was largely taken up in the consideration of the draft of an act to make uniform the law of the incorporation of business corporations, the Uniform Act relating to Family Desertion and Non-Support, the Uniform Act relating to Marriage and Licenses to marry, and the Uniform Acts prepared by the Committee on Wills, Descents and Distribution.

The Committee on Commercial Law was authorized to consider at

large the subject of partnership and to recommend to the Conference such an act on that subject as might seem advisable. The same Committee was authorized to have Prof. Williston of the Harvard Law School prepare a draft of suggested amendments to the Uniform Negotiable Instruments Law, to have it printed with annotations and distributed among the members of the Conference, lawyers, bankers, and commercial bodies, and such draft when considered and approved by the Committee, is to be presented to the Conference for its action.

The Committee on Marriage and Divorce was directed to consider further the draft of an act on marriage, and licenses to marry, with such amendments as the Committee may deem best after discussion and consultation, and it was directed that such revised draft be printed and distributed at least ninety days preceding the next Conference, in order that it may then be taken up for action by the Conference.

The draft of the Uniform Act on Family Desertion and Non-Support was taken up and considered section by section, in committee of the whole and was completed. The act was reported to the Conference, which approved and recommended it for passage in the various States.

(See Appendix A.)

The Uniform Act "relative to Wills executed Without this State, and to Promote Uniformity among the States in that Respect" was similarly considered, section by section, in committee of the whole, and was completed. The act was then reported to the Conference, and was there approved and recommended for passage in the various States.

(See Appendix B.)

The Committee on Uniform Incorporation was instructed to consider further the draft of an act to make uniform the law of the incorporation of business corporations, and after investigation and consideration, to redraft the act and to have it printed and distributed.

The Committee on the Torrens system of registration of land titles was requested to take up with each Commissioner the question of the advisability of the adoption of the Torrens system in the different

States, and to send to each Commissioner copies of the laws of New York and Massachusetts providing for the investigation of the Torrens system.

The Committee on Vital and Penal Statistics was authorized to print the Uniform Act on Vital Statistics submitted to the Conference in 1908, and to distribute copies thereof among the members of the Conference and others, at least ninety days before the next annual Conference; and the act is to be taken up for consideration by the Conference at that time.

We renew our recommendation made in our last annual report that the General Assembly pass the Uniform Act relating to the transfer of shares of stock in corporations and also the Uniform Bills of Lading Act, both of which are pending.

We recommend further the passage by the General Assembly of the Uniform Act relating to desertion and non-support of wife by husband, or of children by either parent (see Appendix A.) and also the Uniform Act relative to wills executed without this State (see Appendix B.)

In accordance with the provisions of Public Laws, Chapter 352 (Gen. Laws 1909, Ch. 33) we report that the expenses of the Board for the past year have been more than the amount of the appropriation, five hundred dollars.

The Conference on Uniform Legislation of the National Civic Federation in Washington, D. C., in January, 1910, was attended by Messrs. Eaton and Woolley, Mr. Jenckes not having been then appointed a Commissioner. An account of the proceedings of this Conference will be found in Appendix C.

AMASA M. EATON,
CLARENCE N. WOOLLEY,
THOMAS A. JENCKES,

Commissioners.



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APPENDIX A.

AN ACT.

RELATING TO DESERTION AND NON-SUPPORT OF WIFE BY HUSBAND, OR OF CHILDREN BY EITHER FATHER OR MOTHER, AND PROVIDING PUNISHMENT THEREFOR; AND TO PROMOTE UNIFORMITY BETWEEN THE STATES IN REFERENCE THERETO.

SECTION 1. *Be it enacted, etc.,* That any husband who shall, without just cause, desert or wilfully neglect or refuse to provide for the support and maintenance of his wife in destitute or necessitous circumstances; or any parent who shall, without lawful excuse, desert or wilfully neglect or refuse to provide for the support, and maintenance of his or her child or children under the age of sixteen years in destitute or necessitous circumstances, shall be guilty of a crime and, on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the not exceeding two years, or both, with or without hard labor, in the discretion of the court.

SEC. II. Proceedings under this act may be instituted upon complaint made under oath or affirmation by the wife or child or children, or by any other person, against any person guilty of either of the above named offences.

SEC. III. At any time before the trial, upon petition of the complainant and upon notice to the defendant, the court, or a judge thereof in vacation, may enter such temporary order as may seem just, providing for support of the deserted wife or children, or both, *pendente lite*, and may punish for violation of such order as for contempt.

SEC. IV. Before the trial, with the consent of the defendant, or at the trial, on entry of a plea of guilty, or after conviction, instead of imposing the penalty hereinbefore provided, or in addition thereto, the court in its discretion, having regard to the circumstances, and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change

by the court from time to time, as circumstances may require, directing the defendant to pay a certain sum periodically, for a term not exceeding two years, to the wife or to the guardian, curator or custodian of the said minor child or children, or to an organization or individual approved by the court as trustee; and shall also have the power to release the defendant from custody on probation for the period so fixed, upon his or her entering into a recognizance, with or without surety, in such sum as the court or a judge thereof in vacation, may order and approve. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so, and shall further comply with the terms of such order of support, or of any subsequent modification thereof, then such recognizance shall be void, otherwise of full force and effect.

SEC. V. If the court be satisfied by information and due proof under oath, that at any time during said period of two years the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence, as the case may be. In case of forfeiture of recognizance, and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid, in whole or in part, to the wife, or to the guardian, curator, custodian or trustee of the said minor child or children.

SEC. VI. No other or greater evidence shall be required to prove the marriage of such husband and wife, or that the defendant is the father or mother of such child or children, than is or shall be required to prove such facts in a civil action. In no prosecution under this act shall any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply, and both husband and wife shall be competent witnesses to testify against each other to any and all relevant matters, including the fact of such marriage and the parentage of such child or children; provided that neither shall be compelled to give evidence incriminating himself or herself. Proof of the desertion of such wife, child or children in destitute or necessitous circumstances, or of neglect or refusal to provide for the support and maintenance of such wife, child or children shall be *prima facie* evidence that such desertion, neglect or refusal is wilful.

SEC. VII. It shall be the duty of the sheriff, warden, or other official in charge of the county jail, or of the custodian of the reformatory, workhouse, or house of correction, in which any person is confined on account of a sentence at hard labor, under this act, to pay over to the wife, or to the guardian, curator or custodian of his or her minor child or children, or to an organization or individual approved by the court as trustee, at the end of each week, for the support of such wife, child or children, a sum equal to for each day's hard labor performed by said person so confined.

SEC. VIII. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SEC. IX. Repealing clause.

SEC. X. This act shall take effect the day of, Anno Domini 19...

APPENDIX B.

AN ACT.

RELATIVE TO WILLS EXECUTED WITHOUT THIS STATE, AND TO PROMOTE UNIFORMITY AMONG THE STATES IN THAT RESPECT, IN FINAL FORM APPROVED BY THE CONFERENCE, AUGUST, 1910.

SECTION I. *Be it enacted, etc.*, That a last will and testament, executed without this state in the mode prescribed by the law, either of the place where executed or of the testator's domicile, shall be deemed to be legally executed, and shall be of the same force and effect as if executed in the mode prescribed by the laws of this state, provided, said last will and testament is in writing and subscribed by the testator.

APPENDIX C.

The cause of Uniform State Legislation has great reason to thank the National Civic Federation for its assistance during the last year. This Federation is an organization created for the promotion of public welfare, by bringing together for mutual discussion and comparison, the views of leading representatives of different interests, and thus to help to bring about a solution of some of the new and pressing questions that our active and progressive civilization is constantly developing in national and in state matters. It aims to bring about a settlement of differences by bringing together representatives of organizations of capital and of labor, to compare their different views on a common platform, and to influence and assist in forming an intelligent public opinion. Every few years this Federation holds a Conference on some important question of the day. In pursuance of this policy, it concluded to hold a Conference in 1910, on uniform legislation among the different States. The attention of the Federation being called at this time to the existence of State Commissioners on uniform legislation, their history and purposes, it entered into cordial co-operation with us, after conferring with our Executive Committee. Many of our State Commissioners on uniform legislation became members of this Federation and took part in preparing the program and in carrying out the Conference on Uniform State Legislation that was held by this National Civic Federation in Washington, D. C., January 18, 19 and 20, 1910, with the avowed purpose of giving an added impulse to our work.

In the opening address by the President of the Federation, Seth Low, he explained our origin, mode of appointment, purposes and results accomplished. He was followed with an address by the President of the United States, William H. Taft, in which he emphasized the warning given by former Secretary of State, Elihu Root,

that unless the States do their duty in exercising their powers in the interests of good government, there will be a tendency to stretch the exercise of federal power and the consequent enlargement of *that* power that the people may have what is necessary to their welfare, regardless of a clash in metaphysical conceptions as to the precise boundaries between State and National powers. Therefore if the States would retain their powers, they must not allow them to remain in abeyance, but must exercise them when the time comes for their exercise, or the common welfare will suffer and public opinion will call upon the federal government to do what should be done by the States. Walter George Smith, President of the Conference of Commissioners on Uniform State Legislation, addressed the Conference as follows:

“I have felt that it was of the utmost importance at the beginning of your proceedings that you should have an outline of the history of the conference of Commissioners on Uniform State Laws. Although very many of you are already Commissioners and what I shall say will be a twice-told tale, I will ask you, none the less, to bear with me in order that you may know exactly what has been done. Many of you, perhaps, have never heard of the Commission before and do not know just what that body is and what it has done and what it will ask you to do.

On the 21st of August, 1878, there assembled at Saratoga Springs a number of representative lawyers from all parts of the United States, in response to a call issued under date of July 1 of the same year and signed by leaders of the Bar from fourteen different States. Thus was founded the American Bar Association, its object as expressed in Article I. of its constitution, being “to advance the science of jurisprudence, promote the administration of justice and uniformity of legislation throughout the United States, uphold the honor of the profession of the law, and encourage cordial intercourse among the members of the American Bar.”

Annually since that time meetings of this organization have been held and its roll of membership now includes 3,748 members from all the States and Territories and insular possessions. The living and the dead members of this great organization include the very flower of the American Bar, and the records of their proceedings are filled with the most valuable contributions, not alone on technical legal

subjects, but upon those affecting more especially the economic, social and, indirectly, political welfare of both State and nation.

It was not until 1889, however, that a special committee on the subject of uniformity of legislation was appointed. In that year the following preamble and resolution were adopted:

“Recognizing the desirability of uniformity in the laws of the several States, especially those relating to marriage and divorce, descent and distribution of property, acknowledgment of deeds, execution and probate of wills; therefore be it.

“Resolved, That the President of this Association appoint a committee, consisting of one from each State, who shall meet in convention at a time and place to be fixed by the President, and compare and consider the laws of the different States relating to these subjects, and prepare and report to this Association such recommendations and measures as will bring about the desired result.”

This action of the American Bar Association was followed in 1890 by an Act of the Legislature of New York, authorizing the appointment by the Governor of that State of three commissioners by the name and style of “Commissioners for the Promotion of Uniformity of Legislation in the United States,” it being made their duty to examine the subjects of marriage and divorce, insolvency, the form of notarial certificates and other subjects; to ascertain the best means to effect an assimilation and uniformity in the laws of the States, and especially to consider whether it would be wise and practicable for the State of New York to invite the other States of the Union to send representatives to a convention to draft uniform laws to be submitted for the approval and adoption of the several States, and to advise and recommend such other course of action as shall best accomplish the purpose.

When notice of this action was brought to the attention of the American Bar Association, it was resolved to recommend the passage of a similar resolution by each State and by the Congress of the United States for the District of Columbia and the Territories, with the additional subjects for consideration of descent and distribution of property, acknowledgment of deeds, execution and probate of wills. From the impetus thus given to the movement originated by the American Bar Association and formulated by the Legislature of New York has grown the Conference of Commissioners on Uniform State Laws made up at the present time of commissioners representing

forty-eight States and Territories, its object as set forth in the constitution being "to promote uniformity of State laws by affording the Commissioners on Uniform State Laws, appointed by the different States of the United States of America, an opportunity of meeting in annual conference for the better accomplishment of the work for which they were appointed."

Fourteen standing committees are authorized, viz.:

1. Executive.
2. Commerical Law.
3. Wills, Descent and Distribution.
4. Marriage and Divorce.
5. Conveyances.
6. Depositions and Proof of Statutes of Other States.
7. Insurance.
8. Congressional Action.
9. Appointment of New Commissioners.
10. Purity of Articles of Commerce.
11. Uniform Incorporation Law.
12. The Torrens System and Registration of Title to Land.
13. Banks and Banking.
14. Publicity.

these being the subjects for the most part susceptible of uniform treatment by the different States.

For nineteen years this Conference has proceeded with its work unostentatiously, but laboriously and effectively, first under the presidency of Hon. S. M. Cutcheson, of Michigan, from 1895-96; then the Hon. Lyman D. Brewster, of Connecticut, from 1896-1901; the Hon. Amasa M. Eaton, of Providence, R. I., from 1901-9.

The formation of the American Bar Association and the Conference of Commissioners on Uniform State Laws, which is, as we have seen, directly attributable to that organization, was in response to a feeling that had been gathering force for more than a generation. As early as 1851 in an address delivered by John William Wallace, for so many years the accomplished reporter of the Supreme Court of the United States, before the Law Academy of Philadelphia, some of the uncertainties, inconveniences* and dangers arising from the divergencies of the commercial laws of the different States were pointed out; and as the volume of interstate business increased, these inconveniences became intensified.

Our dual system of government, under which there exist side by side courts of the United States and courts of the States exercising jurisdiction over many identical subjects, led naturally to a diversity of the law as expounded by the courts between the Federal and State jurisdictions in notable instances, while the State Courts of last resort on many subjects of commercial law differed from each other on fundamental principles. Added to these causes of divergency are the differing statutes, where statutes have been enacted.

Obviously, if our system of government is to be preserved, and at the same time the legitimate demands of the business world are to be heeded, there must be one law on those subjects that affect business interests for all of the States, or loss, irritation and serious injury to the prosperity of the country which have already ensued will be continued, and eventually the remedy, probably more fatal than the disease, will come in an all-embracing centralization of power in the Federal Government.

Again and again, in papers and addresses delivered by my distinguished predecessors and other able lawyers, the scope of the work of the Conference of Commissioners has been outlined and the evils that it has sought to overcome have been described.

"Uniformity of laws," says Henry C. Tompkins, of Alabama, in a paper read before the American Bar Association in 1890—"The Necessity for Uniformity in the Laws Governing Commercial Paper,"—"is not needed on all subjects. Though modern invention and discovery have done so much to bring the people of this great country together and make those residing in distance States near neighbors, in the large majority of matters that affect the daily life of the citizen it is not only not necessary that there should be uniformity in the laws of the different States regulating and controlling them, but, on the contrary, such uniformity is undesirable and absolutely impracticable. There is, and will continue to be, a difference in the character and surroundings of the people residing in different portions of the Union, that will require a difference in the laws governing them; but, while this is so, it is equally true that the laws governing those matters in which the people of the different States are equally interested—those matters which arise daily in their business intercourse the one with the other—should be uniform, so that the citizen of one State may know the exact character of his act and contract, the full extent of the liability attaching to it, without regard to the locality in which the act is done or the contract made, and without regard to

the tribunal which passes upon it." (13 Rep. Am. Bar Ass'n, p. 247.)

The first efforts of the Conference were confined to matters of importance, but of minor importance as compared with those which subsequently occupied its attention. It was thought that until the movement gathered sufficient strength to be joined in by a majority of the States it would be better to consider the smallest matters and of obvious utility. So brief acts were drafted recommending forms for written instruments of title, a standard of weights and measures, the legalization of foreign wills and the abolition of days of grace.

In 1896 the first ambitious work of the Conference was completed under the title of a general act relating to Negotiable Instruments. This was followed by a Uniform Warehouse Receipts Act, a Uniform Sales Act, a Uniform Stock Transfer Act, a Uniform Bills of Lading Act, and in addition, the Conference has adopted the work of the National Divorce Congress as formulated in a Uniform Divorce Act and Acts relating to Marriage and Divorce statistics. Besides this completed work the Conference has now under consideration the draft of a Uniform Act relating to Corporations, a Uniform Act relating to Marriage, a Uniform Act relating to Wife Desertion, and an Act relating to the Execution and Probate of Wills.

It will appear, therefore, that there is now in existence, and has been quietly at work for almost a generation, a body of lawyers endeavoring to attain the end for which this Conference, called under the auspices of The National Civic Federation, has been brought together to encourage. The limits allowed for the many subjects that will engage the attention of this Conference preclude an elaboration of the arguments in favor of attaining the necessary end demanded by modern conditions of business and social life through agreement by the legislatures of the States in the adoption of uniform laws. Excepting to the extreme advocate of a powerful central government such arguments are unnecessary, and even to thinkers of that peculiar school it must be apparent that the difficulty of securing the amendments to the Constitution, preliminary to vesting the general Government with the necessary power, is almost insuperable.

The Conference of Commissioners, therefore, does not concern itself with political questions, but accepting the view of the relations of the National Government to the various States set forth in the Constitution as expounded by the Supreme Court, addresses itself to the task of framing such legislation upon the subjects which it deems appropriate for uniformity as represents the sound, prevailing view of the community. A brief statement of the history and scope of the

various bills already adopted may appropriately be presented, and first, I take this occasion to say that the Conference has caused a pamphlet to be printed, containing a copy of each of the five commercial acts, with a history of each of the acts, and an annotation after each section which calls for annotation, explaining the reasons, where the statutes differ from the law in certain States. The Conference has adopted the decisions effecting the weight of authority, and in the course of the afternoon these pamphlets will be put in your hands. Those of you who are lawyers will receive them with keen interest, and after you have had opportunity to examine them, I believe in the very great majority of cases you will set the seal of approval upon them, and even where the law of your States has been changed, and where the Commission has been so unfortunate as not to convince you, you will see at least that in no one case have they acted arbitrarily, have they acted hastily, nor have they acted otherwise than with a strong weight of authority back of the conclusions that they have reached. It is hoped that a copy of this pamphlet will be put in the hands of every member of the judiciary committees of the various bodies, who after considering them will report in favor of them. And think, gentlemen, of what an advantage, what an enormous advantage that will be to the business world if there is the same law in Massachusetts and the same law in Oregon, the same in Texas and the same law in New Hampshire, governing these five important subjects."

The following Resolutions were passed by the Conference and were presented to the Conference of Governors by a Committee of the Conference appointed for that purpose:

"Resolved, That this National Conference on Uniform Laws advise the Governors of the States now in session at Washington that it endorses the acts prepared under the direction of and recommended by the Commissioners on Uniform Laws as stated below, and that this body hopes that the States which have not already done so will without delay enact these measures into law, viz.:

The Negotiable Instruments Act.

The Warehouse Receipts Act.

The Sales Act.

The Bill of Lading Act.

The Uniform Divorce Act."

URGE SUITABLE APPROPRIATIONS FOR COMMISSIONERS ON UNIFORM STATE LAWS.

“Resolved, That every State and Territory which has made no appropriation for the work of the Commissioners on Uniform State Laws be urged to make suitable appropriations annually for the efficient conduct of that work.”

URGE REMAINING STATES TO NAME COMMISSIONERS.

“Resolved, That the States and Territories which have not already appointed Commissioners on Uniform State Laws be urged to appoint such Commissioners as soon as practicable.”

UNIFORM AMENDMENTS.

“Resolved, That, if any persons or organizations, after studying the laws submitted by the Conference on Uniform State Laws, think that any of them need amendment, such persons and organizations be earnestly urged to try to bring about such amendment through the National Conference of Commissioners on Uniform State Laws, to the end that, even in amendment, uniformity may be preserved.”

COMMISSION FOR OTHER THAN TECHNICAL OR LEGAL SUBJECTS.

“Resolved, That in the opinion of this Conference it seems advisable that in the matter of a uniform tax law and in that relating to certain labor subjects, upon which this Conference favors uniformity and upon other subjects not technically of a legal nature, it is the opinion of this body that the drafting of these laws may well be considered by Commissions specially appointed in the different States, the membership of which shall not be restricted to members of the legal profession, and that this action be communicated to the Governors.”

UNIFORMITY BY GROUPS OF STATES.

“Resolved, That we commend to the attention of the administration of the various States of the Union, whenever a subject of legislation affects the interests of a group of contiguous States, the possibility of joint and uniform action upon such subjects by Interstate

Agreement or Convention to become effective upon ratification by the legislatures of the States involved."

LEGISLATIVE REFERENCE BUREAUS.

"Resolved, That we recognize the system of Legislative Reference Bureaus as one of the important agencies to bring about greater uniformity of legislation, and that we urge the States which have established such bureaus to develop them further and those which have not yet done so to forthwith establish them."

UNIFORMITY IN LEGAL PROCEDURE.

"WHEREAS, the system in vogue for the trial of causes in the criminal, equity and law counts of the United States and of the several States is the subject of much current discussion, both lay and professional, and is severely criticised for its technicalities and its useless expense and delay; and

"WHEREAS, the matter of procedural reform is receiving the thoughtful consideration of the American Bar Association through a special committee created for that purpose; therefore be it

"Resolved, That this Conference recognizes the need for radical changes in the administration of the law, both in criminal and civil action;

"Resolved, That a committee of fifteen on Reform in Legal Procedure be created and appointed by the Chairman of the Committee on Uniform Legislation of the National Civic Federation, and that such committee be instructed to co-operate with the Committee of the American Bar Association to suggest remedies and formulate proposed laws to prevent delay and unnecessary cost in litigation, and to use the influence and power of The National Civic Federation to simplify, cheapen and expedite judicial procedure."

PURE FOOD AND DRUG REGULATIONS.

"WHEREAS, Congress in June, 1906, passed the National Food and Drugs Act, which law has since been adopted in all substantial provisions by upwards of twenty-six (26) States.

"Resolved, That this Convention recommend the adoption of this model uniform statute by the legislatures of all States which have not already so acted, and urge upon the Governors and Legislatures

of all States that they approve and pass only such food and drug laws, or amendments thereto, as are modeled after the provisions of the national law."

CONTROL OF SALES OF NARCOTICS.

"Resolved, That all States be urged to enact such uniform laws in regard to controlling the sale of narcotic and habit-forming drugs that the sale of these drugs will be confined to their proper channels and uses."

VITAL STATISTICS.

"Resolved, That this Conference recommend uniform State legislation on the subject of gathering and preservation of vital statistics."

REGULATION OF THE PRACTICE OF MEDICINE.

"WHEREAS, uniformity in regulating the practice of medicine is one of the utmost importance to the public health of the Nation and to the peoples of the several States.

"Resolved, That it is requested of the Committee on Public Health, or other appropriate committee of the Commissioners on Uniform State Laws, that they cause to be prepared a model act for regulating the practice of medicine in the several States."

COMPENSATION FOR INDUSTRIAL ACCIDENTS.

"WHEREAS, the present remedies for compensation for industrial accidents throughout the various States are slow, uncertain, and wasteful, and

"WHEREAS, there is not, and cannot be, any equitable solution thereof, based only on the fault of the employer, and

"WHEREAS, twenty-three of the more progressive commercial nations abroad have bettered, and in some instances solved, the problem on the basis of Workmen's Compensation Acts, and

"WHEREAS, we believe that such acts can be adequately substituted for our present laws and applied to our institutions with equal satisfaction and profit,

"Now, therefore, be it

"Resolved, That this Conference recommend to the Governors of the several States now assembled in this city, and to the States, that

workmen's compensation acts, fair to the employer and employe and just to the State, be uniformly substituted for the present system of Employers' Liability for injuries received in and arising out of the course of employment.'

BUREAU OF MINES.

"WHEREAS, the increasing loss of life in American mining operations and the enormous waste of resources essential to both the present and future welfare of the nation, plainly indicate the need of more uniform, rational, and enforceable mining laws and regulations in each of the several mining States; and

"WHEREAS, there is now pending before the Congress of the United States a bill to establish a Bureau of Mines in the Department of the Interior, for inquiry and investigation, to aid in the accomplishment of these purposes,

"Now, therefore, be it resolved by the National Conference of Uniform Legislation that we earnestly urge upon the Governors of the several States the importance of co-operating with the Federal Government to procure uniformity upon which intelligent State legislation may be based."

CONSERVATION OF AMERICAN FORESTS.

"Resolved, That this Conference endorses the Conservation of American Forests and

"WHEREAS, The effective handling of forest land in private ownership depends mainly upon uniform State laws, providing for right methods of forest taxation and for the effective protection of forests from fire.

"Resolved, That this matter be referred to the Commission on Uniform State Laws."

REGULATION OF WATER POWER.

"WHEREAS, the development of water powers is a subject of growing public importance, and the regulation looking to the uniform control of these powers by State and Nation is a matter of public concern.

"Therefore, be it resolved, That this Conference recommend to the Commissioners on Uniform State Laws of the respective States the

importance of the consideration of this subject, with a view to securing uniformity of State Laws as to the regulation of water power on non-navigable streams, and the necessity of uniformity of State regulations as to water power on navigable streams, with the object of securing proper and uniform co-operation between each State and the Federal Government in the development and control of water power."

TAXATION.

"Resolved, That every State ought to have constitutional powers to classify property for taxation, and that all the States ought to impose their taxes in conformity with such a system of comity between the States that there shall be no double taxation which shall be unfair or oppressive to any citizen."

UNIFORM INSURANCE CODE.

"Resolved, That we favor a Uniform Insurance Code for adoption in the several States."

CHILD LABOR.

"Resolved, That this Conference recommend to the Governors the adoption of uniform laws for the protection of children employed in industries."

EXECUTION AND PROBATION OF WILLS.

"Resolved, That we recommend to the Governors of the several States and to the Commissioners on Uniform State Laws—uniform State legislation on the general subjects of the execution and probate of wills and the form of acknowledgments; and the manner of the conveyance of real estate."

UNIFORM GOVERNMENTAL ACCOUNTING.

"WHEREAS, the National Municipal League, the League of American Municipalities, the American Association of Public Accountants, the American Economic Association, the American Statistical Association, the Association of Municipal Comptrollers and Accounting Officers, the Government Accountants' Association and various other

national and State bodies have endorsed the principles of uniform governmental accounting and standard governmental reports, and

"WHEREAS, the States of Ohio, New York, Massachusetts, Indiana, Rhode Island, Colorado, West Virginia and Wyoming have recognized this principle and have enacted legislation establishing Uniform Accounting Bureaus or Boards of Control and similar legislation is under consideration in various other States,

"Therefore, be it resolved, by this Conference upon Uniform Legislation that the Governors and Legislatures of the several States are hereby urged to enact such measures upon conformitory lines, departing only so far as may be necessary from a standard form which shall thereby tend to become uniform throughout the country."

PUBLIC ACCOUNTANTS.

"WHEREAS, some twenty-one States have enacted laws regulating the profession of public accountancy, all of which seek to attain the same ends, but differ in important particulars as to standards and requirements, and

"WHEREAS, the proper regulation of the profession of accountancy is a subject of rapidly growing importance to the business community, therefore be it

"Resolved, that this Conference heartily commends the principle of uniformity in certified public accountancy legislation, which should in every case require adequate standards as to education and training for admission and should provide suitable punishment for unprofessional conduct."

WHITE SLAVE TRAFFIC.

"Resolved, That this National Conference on Uniform Legislation recommend to the Governors' Conference that efficient and uniform legislation should be adopted to suppress and prevent the procurement of women for immoral purposes—known generally under the name of the White Slave traffic; and that the Commissioners on Uniform State Laws be requested to draft a bill which will carry into effect the foregoing recommendation."

"Resolved, That The National Civic Federation be requested to promote State organizations for the advancement of uniform legislation and that it be also requested, if deemed advisable, to arrange

for annual national conferences upon the same subject to the end, that the work may take more definite and concrete form."

"Resolved, That this Conference on Uniform State Legislation offers its thanks to the President of the United States for his deep interest in the objects of this Convention, and to the Governors and commercial and civic organizations who have appointed delegates to this body; and,

"Resolved, That this Conference offers its thanks to the Conference of Governors now in session in Washington, for their courtesy in giving a place upon their programme for the purpose of receiving reports from this Conference, and,

"Resolved, That the thanks of the Conference be also offered to Senator Root of New York, for his instructive and valuable address."

NOTE.—Neither the States nor the organizations represented at the Conference are committed by the action of the Conference; but the action taken does represent the judgment of the Conference itself."